

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-HC-2204-D

ULYSSES W. PEREZ, JR.,

Petitioner,

v.

CUMBERLAND COUNTY CLERK  
OF COURT,

Respondent.

**ORDER**


On September 17, 2018, Ulysses W. Perez, Jr. ("Perez") filed a corrected petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 6] and moved for leave to proceed in forma pauperis [D.E. 7]. On April 22, 2019, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") and recommended that the court dismiss the petition without prejudice [D.E. 10]. Perez did not object to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 10].

In sum, the court ADOPTS the conclusions in the M&R [D.E. 10], DISMISSES Perez's petition without prejudice, and DENIES as moot Perez's motion for leave to proceed in forma pauperis [D.E. 7]. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 21 day of May 2019.

  
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JAMES C. DEVER III  
United States District Judge